

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VIRGINIA LAMPRICH,)	
)	
Plaintiff,)	
)	
v.)	Case No.:
)	
TERRANCE J. SCHATZ, and)	
MCLANE FOODSERVICE, INC.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the Defendants, Terrance J. Schatz ("Schatz") and McLane Minnesota, Inc., incorrectly sued as McLane Foodservice, Inc. ("McLane"), collectively the ("Removing Defendants"), by and through their counsel, hereby submit their Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, and in support of the removal of this action from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, to the U.S. District Court for the Northern District of Illinois, Eastern Division, state:

1. **The Action.** Plaintiff, Virginia Lamprich, ("Lamprich"), filed her Complaint at Law ("Complaint") in the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, on July 29, 2016 as court number 16 L 604. The Complaint asserts claims for damages arising out of a vehicular accident that occurred on September 23, 2014 (the "Accident") when a tractor-trailer operated by Schatz allegedly struck the vehicle being operator by Lamprich on East State Street and Trainer Road in the City of Rockford, Winnebago County, resulting in alleged injuries to Lamprich. Copies of all pleadings and papers filed in the Circuit Court of the Nineteenth Judicial Circuit, Lake County,

Illinois of which the Removing Defendants are aware, including their Notice of Removal to Adverse Parties and State Court Clerk, are attached as **Exhibit A**, and include the following:

- Supreme Court Rule 222 Affidavit;
- Certificate of Attorney – Civil Division;
- Complaint at Law;
- Notice of Filing;
- Appearance and Jury Demand; and
- Answer & Affirmative Defenses.

2. **Statutory Grounds for Removal.** This action is removable under 28 U.S.C. § 1441(a) because the U.S. District Court would have had original jurisdiction based on diversity of citizenship, 28 U.S.C. § 1332, had the action been brought originally in federal court. Furthermore, removal of the action is not barred under 28 U.S.C. § 1441(b) because no party properly joined and served as a defendant is a citizen of the State of Illinois, where this action is proceeding.

3. **Diversity Jurisdiction Under 28 U.S.C. § 1332.** Original jurisdiction based on diversity of citizenship is proper in this case because: (1) the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs:

- (a) Both Counts of the Plaintiff's Complaint seek damages in excess of \$50,000.00;
- (b) Illinois state practice does not permit demand for a specific sum¹; and
- (c) Lamprich alleges she sustained a lumbar compression fracture and the medical bills she previously submitted to

¹ 735 ILCS 5/2-604.

the Removing Defendants exceed \$42,000.00. The preponderance of evidence demonstrates that the amount in controversy exceeds \$75,000.00;

and (2) the matter in controversy is between citizens of different States, including Illinois, Minnesota and Texas:

- (a) Plaintiff is presumably a citizen of the State of Illinois, as the Illinois Traffic Crash Report lists her address as 216 Thornhill Drive, Poplar Grove, Illinois. A copy of the Illinois Traffic Crash Report is attached hereto as **Exhibit B**;
- (b) Defendant Schatz is a resident of Minnesota and resides at 207 Oak Ave. West, Montgomery, Minnesota;
- (c) Improperly sued Defendant, McLane Foodservice, Inc. is a corporation organized and existing under the laws of the State of Texas², and its principal place of business is in Temple, Texas; and
- (d) Defendant McLane, Minnesota, Inc. is the proper defendant and a corporation organized and existing under the laws of the State of Texas, and had its principal place of business in Temple, Texas³.

4. **Consent to Removal.** All of the Removing Defendants, as evidenced by the signature of their counsel below, consent to removal of this case.

5. **Timeliness of Removal.** Pursuant to 28 U.S.C. § 1446(b), removal is timely because the Complaint was served on McLane on August 16, 2016, and while Schatz has not been served, counsel for Schatz filed an Appearance on his behalf on September 7, 2016. This Notice of Removal was filed within 30 days of receipt of service on McLane and within 30 days of the filing of an

² See print out from the State of Texas, Secretary of State, attached hereto as **Exhibit C**.

³ See print out from State of Texas, Secretary of State, attached hereto as **Exhibit D**.

Appearance on Schatz and within one year of the date on which the action commenced.

6. **Notice of Removal to Adverse Parties and to State Court Clerk.**

Pursuant to 28 U.S.C. § 1446(d), the Removing Defendants will simultaneously give written notice of this removal to Plaintiff and to the Clerk of the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois.

7. **No Waiver.** By filing this Notice of Removal, the Removing Defendants do not waive any defenses available to them.

WHEREFORE, Defendants, TERRANCE J. SCHATZ and MCLANE MINNESOTA, INC., incorrectly sued as McLane Foodservice, Inc. respectfully request that this case be removed to the U.S. District Court for the Northern District of Illinois, Eastern Division.

Respectfully submitted,

/s/ James D. Ellman
SCOPELITIS, GARVIN, LIGHT, HANSON &
FEARY, PC
30 West Monroe Street, Suite 600
Chicago, Illinois 60603
(312) 255-7200

Exhibit A

Exhibit A

Respectfully submitted,

**TERRANCE J. SCHATZ and MCLANE
MINNESOTA, INC., Incorrectly Sued as
McLane Foodservice, Inc.**

By: _____
Attorneys for Defendant

James D. Ellman (ARDC #6206850)
SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, P.C.
30 West Monroe Street, Suite 600
Chicago, Illinois 60603
Telephone: (312) 255-7200

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

VIRGINIA LAMPRICH,)

Plaintiff,)

vs.)

Gen. No.)

16L604

TERRANCE J. SCHATZ and)
MCLANE FOODSERVICE, INC.)

Defendants.)

FILED
JUL 29 2018
Keith E. ...
CIRCUIT CLERK

SUPREME COURT RULE 222 AFFIDAVIT

We, Law Offices ROBERT N. GOSHGARIAN, a Professional Corporation, pursuant to
Supreme Court Rule 222(b), state that the plaintiff seeks money damages in excess of Fifty
Thousand Dollars (\$50,000.00), plus costs.


MATTHEW P. BIESTERFELD

Law Offices
ROBERT N. GOSHGARIAN,
a Professional Corporation
220 W. Washington Street
Waukegan, Illinois 60085
(847) 336-5900
mpb@goshgariamlaw.com
ARDC No. 06305487

76L604

General No. _____ *Kittling*
CIRCUIT CLERK

Keith Brin
CIRCUIT CLERK

☒ There has been no previous Voluntary or Involuntary Dismissal of the subject matter of this litigation.

☐ There has been a previous Voluntary or Involuntary Dismissal of the subject matter of this litigation and at the time of dismissal that Case No. _____ was assigned to the Honorable _____

☒ There is no other litigation presently pending in the county involving these parties.

☐ There is other litigation presently pending in the county involving the parties to or subject matter to this lawsuit and that case(s) is/are assigned Case No.(s) _____ which is/are assigned to the Honorable _____

☐ Yes - Select the appropriate case subtype under the Chancery-CH heading below.

☒ No - Select the appropriate non-Chancery case subtype below.

Arbitration – AR

- ☐ Arbitration/Tort
☐ Arbitration/Contract
☐ Foreign Judgment
☐ Subtype Not Listed

Law Magistrate – LM

- ☐ Forcible Entry and Detainer
- ☐ Replevin
- ☐ Detinue
- ☐ Distress for Rent
- ☐ Foreign Judgment
- ☐ Confirm Arbitrator's Award
- ☐ Confession of Judgment
- ☐ Subtype Not Listed

Miscellaneous Remedy – MR

- ☐ Declaratory Judgment
- ☐ Corporation Dissolution
- ☐ Election Contest
- ☐ Mandamus
- ☐ Habeas Corpus
- ☐ Review of Administrative Proceeding/Statutory
- ☐ Review of Administrative Proceeding/Certiorari
- ☐ Quo Warranto
- ☐ Change of Name
- ☐ Forfeiture
- ☐ Fugitive from Justice
- ☐ Search Warrant
- ☐ Application for Eavesdropping Device
- ☐ Foreign Judgment
- ☐ Request for Subpoena/ Foreign Jurisdiction
- ☐ Non-Attendance of Juror
- ☐ Miscellaneous
- ☐ Subtype Not Listed

Probate – P

- ☐ Decedent/Testate > \$15,000
- ☐ Decedent/Intestate > \$15,000
- ☐ Decedent/Testate \$15,000 or less
- ☐ Decedent/Intestate \$15,000 or less
- ☐ Guardianship of Person/ Disabled Person
- ☐ Guardianship of Estate/ Disabled Person
- ☐ Guardianship of a Person and Estate/Disabled Person
- ☐ Guardianship of Person/ Minor
- ☐ Guardianship of Estate/Minor
- ☐ Guardianship of Person and Estate/Minor
- ☐ Proof of Heirship Alone
- ☐ Foreign Judgment
- ☐ Subtype Not Listed

Law – L

- ☐ Residential Mortgage Foreclosure
- ☐ Residential Mortgage Foreclosure w/Mechanics Lien
- ☐ Non-Residential Mortgage Foreclosure
- ☐ Injunction
- ☐ Specific Performance
- ☐ Mechanics Lien Foreclosure
- ☐ Complaint for Rescission
- ☐ Partition
- ☐ Quiet Title
- ☐ Class Action
- ☐ Structured Settlement
- ☐ Foreign Judgment
- ☐ Subtype Not Listed

Law – L

- ☒ Tort
☐ Contract
☐ Product Liability
☐ Medical Malpractice
☐ Legal Malpractice
☐ Forcible Entry and Detainer
☐ Replevin
☐ Accounting Malpractice
☐ Foreign Judgment
☐ Confirm Arbitrator's Award
☐ Subtype Not Listed

Eminent Domain – ED

- ☐ Eminent Domain
☐ Condemnation
☐ Subtype Not Listed

Municipal Corporation – MC

- ☐ Annexation
☐ Disconnection
☐ Subtype Not Listed

Tax – TD

- ☐ Deeds
☐ Subtype Not Listed

Tax – TX

- ☐ Objections
- ☐ Disposition of Collections of Judgment or Settlement
- ☐ Sale in Error
- ☐ Subtype Not Listed

Print Name Matthew P. Biesterfeld

Signature Matt Zierfeld

☒ Attorney ☐ Self-Represented Litigant

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

VIRGINIA LAMPRICH,

Plaintiff,

vs.

TERRANCE J. SCHATZ and
MCLANE FOODSERVICE, INC.

Defendants.

Gen. No. 16L604

COMPLAINT AT LAW

NOW COMES the plaintiff, VIRGINIA LAMPRICH, by and through her attorneys, Law Offices ROBERT N. GOSHGARIAN, P.C., and complaining of the defendant, TERRANCE J. SCHATZ states as follows:

1. On or about September 23, 2014, the defendant, TERRANCE J. SCHATZ, operated, managed, and maintained a semi-tractor trailer in a westerly direction on East State Street, at or near its intersection with Trainer Road in the City of Rockford, County of Winnebago, State of Illinois.

2. On or about September 23, 2014, the plaintiff, VIRGINIA LAMPRICH, owned, operated, managed, and maintained a motor vehicle in an westerly direction on East State Street, at or near its intersection with Trainer Road in the City of Rockford, County of Winnebago, State of Illinois.

NOTICE
BY LOCAL RULE 3.12
THIS CASE IS HEREBY SET FOR A SCHEDULING
CONFERENCE IN COURTROOM 10/16
2016, AT 9 AM/PM AT 18 NORTH COUNTY STREET,
WAUKEGAN, ILLINOIS. FAILURE TO APPEAR MAY RESULT
IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT
BEING ENTERED.

3. At that time and place, there was a collision between the semi-tractor trailer being operated by the defendant, TERRANCE J. SCHATZ, and the motor vehicle being operated by the plaintiff, VIRGINIA LAMPRICH.

4. At that time and place the defendant, TERRANCE J. SCHATZ, was negligent in one or more of the following respects:

- a) Operated his semi-tractor trailer without keeping a proper and sufficient look out;
- b) failed to reduce the speed of his semi-tractor trailer in order to avoid a collision;
- c) operated his semi-tractor trailer at a rate of speed greater than reasonable with regard to traffic conditions;
- d) failed to operate his semi-tractor trailer within a single lane of travel in violation of 625 ILCS 5/11-709;
- e) moved his semi-tractor trailer from a direct course and moved right when it was unsafe to do so in violation of 625 ILCS 5/11-804(a);
- f) failed to exercise due care for the safety of others on the roadway;
- g) moved his semi-tractor trailer to the right without giving an appropriate signal in violation of 625 ILCS 5/11-804(a); and
- h) moved his semi-tractor trailer to the right of the roadway before it was safe to do so in violation of 625 ILCS 5/11-703(a);
- i) failed to use his electric turn signal to indicate an intention to change lanes in violation of 625 ILCS 5/11-804(d);
- j) failed to take a required 30 minute break during the first 8 hours of his shift in violation of 49 USC 31502;
- k) exceeded the driving period permitted since the end of the prior required rest break or last off-duty period;
- l) exceeded the maximum hours permitted for driving within a week time period; and
- m) exceeded the maximum hours permitted for driving within a shift period.

5. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendant, TERRANCE J. SCHATZ, the plaintiff, VIRGINIA LAMPRICH, sustained injuries and losses, all of which are permanent and which have and will in the future cause her great pain and suffering and which have and will in the future cause her to become permanently disfigured and disabled and which have and will in the future cause her to lose income and earnings and other gains which she otherwise would have made and which have and will in the future cause her to become liable for medical expenses.

WHEREFORE, the plaintiff, VIRGINIA LAMPRICH, respectfully requests judgment against the defendant, TERRANCE J. SCHATZ, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus costs.

COUNT II

NOW COMES the plaintiff, VIRGINIA LAMPRICH, by and through her attorneys, Law Offices ROBERT N. GOSHGARIAN, P.C., and complaining of the defendant, MCLANE FOODSERVICE, INC., states as follows:

1. On or about September 23, 2014, the defendant, MCLANE FOODSERVICE, INC., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, owned, operated, managed, and maintained a semi-tractor trailer in a westerly direction on East State Street, at or near its intersection with Trainer Road, in the City of Rockford, County of Winnebago, State of Illinois.

2. On or about September 23, 2014, the plaintiff, VIRGINIA LAMPRICH, owned, operated, managed, and maintained a motor vehicle in a westerly direction on East State Street, at or near its intersection with Trainer Road, in the City of Rockford, County of Winnebago, State of Illinois.

3. At that time and place, there was a collision between the semi-tractor trailer being operated by the defendant, MCLANE FOODSERVICE, INC., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, and the motor vehicle being operated by the plaintiff, VIRGINIA LAMPRICH.

4. At that time and place the defendant, MCLANE FOODSERVICE, INC., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, was negligent in one or more of the following respects:

- a) Operated his semi-tractor trailer without keeping a proper and sufficient look out;
- b) failed to reduce the speed of his semi-tractor trailer in order to avoid a collision;
- c) operated his semi-tractor trailer at a rate of speed greater than reasonable with regard to traffic conditions;
- d) failed to operate his semi-tractor trailer within a single lane of travel in violation of 625 ILCS 5/11-709;
- e) moved his semi-tractor trailer from a direct course and moved right when it was unsafe to do so in violation of 625 ILCS 5/11-804(a);
- f) failed to exercise due care for the safety of others on the roadway;
- g) moved his semi-tractor trailer to the right without giving an appropriate signal in violation of 625 ILCS 5/11-804(a); and
- h) moved his semi-tractor trailer to the right of the roadway before it was safe to do so in violation of 625 ILCS 5/11-703(a);
- i) failed to use his electric turn signal to indicate an intention to change lanes in violation of 625 ILCS 5/11-804(d);
- j) failed to take a required 30 minute break during the first 8 hours of his shift in violation of 49 USC 31502;
- k) exceeded the driving period permitted since the end of the prior required rest break or last off-duty period;
- l) exceeded the maximum hours permitted for driving within a week time period; and

m) exceeded the maximum hours permitted for driving within a shift period.

5. That as a direct and proximate result of one or more aforesaid negligent acts or omissions of the defendant, MCLANE FOODSERVICE, INC., acting by and through his duly authorized agent and/or employee, Terrance J. Schatz, the plaintiff, VIRGINIA LAMPRICH, sustained injuries and losses, all of which are permanent and which have and will in the future cause her great pain and suffering and which have and will in the future cause her to become permanently disfigured and disabled and which have and will in the future cause her to lose income and earnings and other gains which she otherwise would have made and which have and will in the future cause her to become liable for medical expenses.

WHEREFORE, the plaintiff, VIRGINIA LAMPRICH, respectfully requests judgment against the defendant, MCLANE FOODSERVICE, INC., in an amount greater than Fifty Thousand Dollars (\$50,000.00), plus costs.


MATTHEW P. BIESTERFELD

Law Offices
ROBERT N. GOSHGARIAN, P.C.
220 W. Washington Street
Waukegan, Illinois 60085
(847) 336-5900
mpb@goshgarianlaw.com
ARDC No. 06305487

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

VIRGINIA LAMPRICH,

Plaintiff,

v.

TERRANCE J. SCHATZ and
MCLANE FOODSERVICE, INC.

Defendants.

Gen. No.: 16 L 604

FILED

SEP 07 2016

NOTICE OF FILING

TO: Matthew P. Biesterfeld
ROBERT N. GOSHGARIAN, P.C.
220 West Washington Street
Waukegan, Illinois 600885


Keith Bin
CIRCUIT CLERK

PLEASE TAKE NOTICE that on **September 6, 2016** we mailed to be filed with the Clerk of the Circuit Court of Lake County ***Defendants' Appearance, Jury Demand and Answer to Plaintiff's Complaint and Affirmative Defenses*** a copy of which is hereby served upon you.

Respectfully submitted,

**SCOPELITIS GARVIN LIGHT HANSON &
FEARY, P.C.**

By:


Attorneys for Defendants

James D. Ellman (#6206850)
SCOPELITIS GARVIN LIGHT HANSON & FEARY, P.C.
30 West Monroe Street, Suite 600
Chicago, Illinois 60603
(312) 255-7200
jellman@scopelitis.com

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

VIRGINIA LAMPRICH

Plaintiff / Petitioner

vs.

TERRANCE J. SCHATZ and MCLANE FOODSERVICE, INC.

Defendant / Respondent

Case No. 16 L 604

FILED

SEP 07 2016

Keith Bain
CIRCUIT CLERK

APPEARANCE

☒ By an attorney:

The undersigned JAMES D. ELLMAN hereby enters an appearance
on behalf of TERRANCE J. SCHATZ and MCLANE MINNESOTA, INC. Incorrectly sued as MCLANE FOOD SERVICE, INC. in the above entitled cause.

☐ By an individual pro se:

The undersigned _____ hereby enters an appearance
on behalf of myself in the above entitled cause.


Signature

Prepared by:

Name: Scopelitis Garvin Light Hanson & Feary, P.C.

Attorney's Name: James D. Ellman

Address: 30 West Monroe Street, Suite 600

City: Chicago State: IL

Phone: (312) 255-7200 Zip Code: 60603

Fax: (312) 422-1224

ARDC #: 6206850

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

VIRGINIA LAMPRICH

Plaintiff(s)

vs.

TERRANCE J. SCHATZ and MCLANE FOODSERVICE, INC.

Defendant(s)

Gen No: 16 L 604

FILED
SEP 07 2016
Keith Egan
CIRCUIT CLERK

JURY DEMAND

The ☐ plaintiff(s) ☒ defendant(s) in the above entitled cause demand a jury for trial of said cause.

TERRANCE J. SCHATZ and MCLANE MINNESOTA, INC.

incorrectly sued as McLane Foodservice, Inc.

By:



Their Attorney(s)/Pro Se

Prepared by:

Attorney's Name: James D. Ellman

Address: 30 West Monroe Street, Suite 600

City: Chicago State: IL

Phone: (312) 255-7200 Zip Code: 60603

ARDC: 6206850

Fax: (312) 422-1224

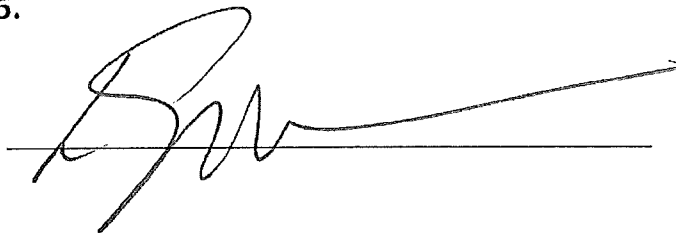
E-mail address: jellman@scopellitis.com

CERTIFICATE OF DELIVERY
(PERSONALLY, FACSIMILE OR BY MAIL)

The undersigned hereby certifies that a true and correct copy of the foregoing *Notice of Filing & Defendants' Appearance, Jury Demand and Answer to Plaintiff's Complaint and Affirmative Defenses* were placed in the U.S. Mail properly addressed, with first class postage prepaid to the parties at the addresses set forth below before 5:00 p.m.:

Matthew P. Biesterfeld
ROBERT N. GOSHGARIAN, P.C.
220 West Washington Street
Waukegan, Illinois 600885
mpb@goshgarianlaw.com

on this 6th day of September, 2016.

A handwritten signature in black ink, appearing to be 'MPB', is written over a horizontal line.

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

FILED
SEP 07 2016

Keith Bain
CIRCUIT CLERK

VIRGINIA LAMPRICH,

Plaintiff,

v.

Gen. No.: 16 L 604

TERRANCE J. SCHATZ and
MCLANE FOODSERVICE, INC.

Defendants.

**DEFENDANTS' ANSWER TO PLAINTIFF'S
COMPLAINT AND AFFIRMATIVE DEFENSES**

NOW COME, Defendants TERRANCE J. SCHATZ and MCLANE MINNESOTA, INC., incorrectly sued as McLane FoodService, Inc. and for their Answer to Plaintiff's Complaint at Law state as follows:

1. On or about September 23, 2014, the Defendant, Terrance J. Schatz, operated, managed, and maintained a semi-tractor trailer in a westerly direction on East State Street, at or near its intersection with Trainer Road in the City of Rockford, County of Winnebago, State of Illinois.

ANSWER: Defendants admit the allegations contained in Paragraph 1 of Plaintiff's Complaint at Law.

2. On or about September 23, 2014, the Plaintiff, Virginia Lamprich, owned, operated, managed, and maintained a motor vehicle in a westerly direction on East State Street, at or near its intersection with Trainer Road in the City of Rockford, County of Winnebago, State of Illinois.

ANSWER: Defendants admit the allegations contained in Paragraph 2 of Plaintiff's Complaint at Law.

3. At that time and place, there was a collision between the semi-tractor trailer being operated by the Defendant, Terrance J. Schatz, and the motor vehicle being operated by the Plaintiff, Virginia Lamprich.

ANSWER: Defendants admit the allegations contained in Paragraph 3 of Plaintiff's Complaint at Law.

4. At that time and place the Defendant, Terrance J. Schatz, was negligent in one or more of the following respects:

- (a) Operated his semi-tractor trailer without keeping a proper and sufficient look out;
- (b) Failed to reduce the speed of his semi-tractor trailer in order to avoid a collision;
- (c) Operated his semi-tractor trailer at a rate of speed greater than reasonable with regard to traffic conditions;
- (d) Failed to operated his semi-tractor within a single lane of travel in violation of 625 ILCS 5/11-709;
- (e) Moved his semi-tractor from a direct course and moved right when it was unsafe to do so in violation of 625 ILCS 5/11-804(a);
- (f) Failed to exercise due care of the safety of others in the roadway;
- (g) Moved his semi-tractor trailer to the right without giving an appropriate signal in violation of 625 ILCS 5/11-804(a);
- (h) Moved his semi-tractor to the right of the roadway before it was safe to do so in violation of 625 ILCS 5/11-703(a)
- (i) Failed to use his electric turn signal to indicate an intention to change lanes in violation of 625 ILCS 5/11-804(d);
- (j) Failed to take a required 30-minute break during the first 8 hours of his shift in violation of 49 USC 31502;
- (k) Exceeded the driving period permitted since the end of the prior required rest break or last off-duty period;

- (l) Exceeded the maximum hours permitted for driving within a week time period; and
- (m) Exceeded the maximum hours permitted for driving within a shift period.

ANSWER: Defendants deny the allegations contained in Paragraph 4 including subparagraphs (a) – (m) inclusive of Plaintiff's Complaint at Law.

5. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the Defendant, Terrance J. Schatz, the Plaintiff, Virginia Lamprich, sustained injuries and losses, all of which are permanent and which have and will in the future cause her great pain and suffering and which have and will in the future cause her to become permanently disfigured and disabled and which have and will in the future cause her to lose income and earnings and other gains which she otherwise would have made and which have and will in the future cause her to become liable for medical expenses.

ANSWER: Defendants deny the allegations contained in Paragraph 5 of Plaintiff's Complaint at Law.

WHEREFORE, Defendants TERRANCE J. SCHATZ and MCLANE MINNESOTA INC., incorrectly sued as McLane FoodService, Inc., deny that the Plaintiff is entitled to judgment against them in an amount of any sum whatsoever and respectfully requests that this litigation, so wrongfully brought, be dismissed, with prejudice, at Plaintiff's costs.

COUNT II

1. On or about September 23, 2014, the Defendant, McLane Foodservice, Inc., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, owned, operated, managed, and maintained a

semi-tractor trailer in a westerly direction on East State Street, at or near its intersection with Trainer Road, in the City of Rockford, County of Winnebago, State of Illinois.

ANSWER: Defendants admit that on or about September 23, 2014, the Defendant, McLane Minnesota, Inc., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, operated a semi-tractor trailer in a westerly direction on East State Street, at or near its intersection with Trainer Road, in the City of Rockford, County of Winnebago, State of Illinois, but deny the remaining allegations contained in Paragraph 1 of Count II of Plaintiff's Complaint at Law.

2. On or about September 23, 2014, the Plaintiff, Virginia Lamprich, owned, operated, managed, and maintained a motor vehicle in a westerly direction on East State Street, at or near its intersection with Trainer Road, in the City of Rockford, County of Winnebago, State of Illinois.

ANSWER: Defendants admit the allegations contained in Paragraph 2 of Count II of Plaintiff's Complaint at Law.

3. At that time and place, there was a collision between the semi-tractor trailer being operated by the Defendant, McLane Foodservice, Inc.

ANSWER: Defendants admit the allegations contained in Paragraph 3 of Count II of Plaintiff's Complaint at Law.

4. At that time and place the Defendant, McLane Foodservice, Inc., acting by and through its duly authorized agent and/or employee, Terrance J. Schatz, was negligent in one or more of the following respects:

- (a) Operated his semi-tractor trailer without keeping a proper and sufficient look out;
- (b) Failed to reduce the speed of his semi-tractor trailer in order to avoid a collision;

- (c) Operated his semi-tractor trailer at a rate of speed greater than reasonable with regard to traffic conditions;
- (d) Failed to operated his semi-tractor within a single lane of travel in violation of 625 ILCS 5/11-709;
- (e) Moved his semi-tractor from a direct course and moved right when it was unsafe to do so in violation of 625 ILCS 5/11-804(a);
- (f) Failed to exercise due care of the safety of others in the roadway;
- (g) Moved his semi-tractor trailer to the right without giving an appropriate signal in violation of 625 ILCS 5/11-804(a);
- (h) Moved his semi-tractor to the right of the roadway before it was safe to do so in violation of 625 ILCS 5/11-703(a)
- (i) Failed to use his electric turn signal to indicate an intention to change lanes in violation of 625 ILCS 5/11-804(d);
- (j) Failed to take a required 30-minute break during the first 8 hours of his shift in violation of 49 USC 31502;
- (k) Exceeded the driving period permitted since the end of the prior required rest break or last off-duty period;
- (l) Exceeded the maximum hours permitted for driving within a week time period; and
- (m) Exceeded the maximum hours permitted for driving within a shift period.

ANSWER: Defendants deny the allegations contained in Paragraph 4 of Count II including subparagraphs (a) – (m) inclusive of Plaintiff's Complaint at Law.

5. That as a direct and proximate result of one or more aforesaid negligent acts or omissions of the Defendant, McLane Foodservice, Inc., acting by and through his duly authorized agent and/or employee, Terrance J. Schatz, the Plaintiff, Virginia Lamprich, sustained injuries and losses, all of which are permanent and which have and will in the future cause her great pain and

suffering and which have and will in the future cause her to become permanently disfigured and disabled and which have and will in the future cause her to lose income and earnings and other gains which she otherwise would have made and which have and will in the future cause her to become liable for medical expenses.

ANSWER: Defendants deny the allegations contained in Paragraph 5 of Count II of Plaintiff's Complaint at Law.

WHEREFORE, Defendants TERRANCE J. SCHATZ and MCLANE MINNESOTA INC., incorrectly sued as McLane FoodService, Inc., deny that the Plaintiff is entitled to judgment against them in an amount of any sum whatsoever and respectfully requests that this litigation, so wrongfully brought, be dismissed, with prejudice, at Plaintiff's costs.

AFFIRMATIVE DEFENSES

NOW COME Defendants **TERRANCE J. SCHATZ and MCLANE MINNESOTA INC. incorrectly sued as McLane FoodService, Inc.,** by their attorneys, **SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY, P.C.,** and for their Affirmative Defenses, state as follows:

1. Without prejudice to its previous denials or other statements in their pleadings, the Defendants state and allege that the contributory or comparative conduct, negligence, or fault of the Plaintiff, Virginia Lamprich, was a proximate cause, in whole or in part, of the occurrence complaint of and the injuries and damages claimed in the Plaintiff's Complaint.

2. Virginia Lamprich was under a duty to exercise reasonable care and caution for her own safety.

3. That in violation of said duty, Plaintiff, Virginia Lamprich, was guilty of one or more of the following acts of negligence:

- (a) Failed to maintain a proper lookout;
- (b) Improperly passed another vehicle on the right;
- (c) Failed to see and observe Defendants' vehicle when it should have been seen and observed;
- (d) Failed to retain sufficient and proper control over the operation of her vehicle;
- (e) Failed to operate said motor vehicle in a reasonable and safe manner so as not to cause injury to herself and others;
- (f) Drove her vehicle too fast for conditions;
- (g) Was otherwise careless and negligent in the operation of her vehicle.

4. The negligence of Virginia Lamprich was the proximate cause of the occurrence complained of and the injuries and damages claimed by Virginia Lamprich in the Plaintiff's Complaint.


5. Without prejudice to its previous denials or other statements in their pleadings, the Defendants Terrance J. Schatz and McLane Minnesota Inc., state and allege that no action or conduct, negligence, or fault of the Defendants Terrance J. Schatz and McLane Minnesota Inc., was a proximate cause, in whole or in part, of the occurrence complained of and damages claimed in the Plaintiff's Complaint.

WHEREFORE, Defendants **TERRANCE J. SCHATZ and MCLANE MINNESOTA INC. incorrectly sued as McLane FoodService, Inc. ,** respectfully requests that any damages which may be awarded to Virginia Lamprich, against

the Defendants Terrance J. Schatz and McLane Minnesota Inc., be denied, or in the alternative, be reduced in proportion to the percentage of relative contributory or comparative culpability of the Virginia Lamprich.

Respectfully Submitted,

**SCOPELITIS GARVIN LIGHT HANSON &
FEARY**

By:  _____
Attorneys for Defendants

James D. Ellman (#6206850)
SCOPELITIS GARVIN LIGHT HANSON & FEARY
30 West Monroe Street, Suite 600
Chicago, Illinois 60603
(312) 255-7200
jellman@scopelitis.com

CERTIFICATE OF DELIVERY
(PERSONALLY, FACSIMILE OR BY MAIL)

The undersigned hereby certifies that a true and correct copy of the foregoing ***Defendants' Answer to Plaintiff's Complaint and Affirmative Defenses*** was placed in the United States Mail, with first class postage prepaid, addressed to all parties of record at their respective addresses before 5:00 p.m.:

Matthew P. Biesterfeld
ROBERT N. GOSHGARIAN, P.C.
220 West Washington Street
Waukegan, Illinois 60085
mpb@goshgarianlaw.com

on the 6th day of September, 2016.

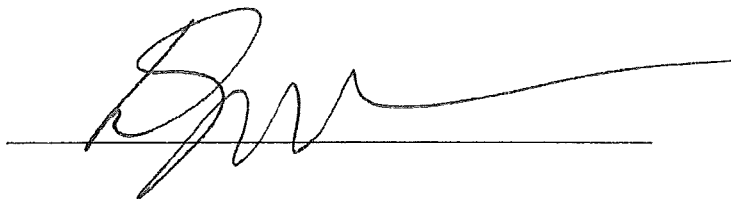
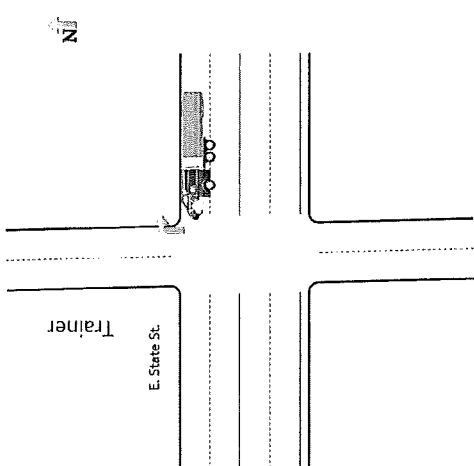
A handwritten signature in black ink, appearing to be 'MPB', is written over a horizontal line.

Exhibit B

Exhibit B

X000148890	A Diagram and Narrative are required on all Type B crashes, even if units have been moved prior to the officer's arrival.	
<div><div><div>Diagram Untrue Not to Scale</div></div><div>NARRATIVE (Refer to vehicle by Unit No.) Upon arrival at E. State st and Trainer Rd, I viewed Unit #1's vehicle as a tractor with trailer [semi- truck, with trailer]. Unit 1 was parked on E. State St. facing west. The trailer's Illinois registration is P668346. The trailer's Indiana registration is t477540. I viewed Unit#1 to have damage on the front right bumper. I viewed Unit#2 to have heavy damage on the front left side of the vehicle. The vehicle had damage to the front bumper. The vehicle was towed by Louie's. I spoke with the first witness, Gates. Gates advised he was traveling the center lane when he was cut off by Unit#1. Gates advised he had to slam on his brakes. Gates advised Unit#1 turn into Unit#2.</div></div>		
LOCAL USE ONLY		
Motorist 1 Report No: 20110806528	N 42.2677	
Motorist 2 Report No: 20110806528	W 88.9897	
U1 Color: White	U2 Color: White	U1 Race: W
U1 Towed by / to:	U2 Towed 60 / to: Louies Auto	U2 Race: W

COMMERCIAL MOTOR VEHICLE (CMV)	
IF MORE THAN ONE CMV IS INVOLVED, USE SR 1050A ADDITIONAL UNITS FORMS.	
A CMV is defined as any motor vehicle used to transport passengers or property and: 1. Has a weight rating of more than 10,000 pounds (example: truck or truck/trailer combination); or 2. Is used or designed to transport more than 15 passengers, including the driver (example: shuttle or charter bus); or 3. Is designed to carry 15 or fewer passengers and operated by a contract carrier transporting employees in the course of their employment (example: employee transporter - usually a van-type vehicle or passenger car); or 4. Is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation (example: large van used for specific purpose); or 5. Is any vehicle used to transport any hazardous material (HAZMAT) that requires placarding (example: placards will be displayed on the vehicle).	
UNIT 1	
CARRIER NAME MCLANE FOODS	
ADDRESS 4747 MCLANE PKWY	
CITY/STATE/ZIP TEMPLE, TX, 76504	
USDOT NO. 1062707	ILLCC NO. _____
Source of above info. <input type="checkbox"/> Side of Truck <input type="checkbox"/> Papers <input checked="" type="checkbox"/> Driver <input type="checkbox"/> Log Book	
Gross Vehicle Weight Rating (GVWR). 65000	
Were HAZMAT placards displayed on the vehicle? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
If yes, name on placard _____	1-digit Hazard Class no. _____
4-Digit UN no. _____	Did HAZMAT Spill from the vehicle (do not consider fuel from the vehicle's own tank)? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Did HAZMAT Regulations violation contribute to the crash? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	Did Motor Carrier Safety Regulations (MCS) violation contribute to the crash? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK
Was a Driver/Vehicle Examination Report form completed? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	HAZMAT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK Out of Service? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
MCS Form No. _____	Form No. _____
IDOT PERMIT NO. _____	WIDE LOAD? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
TRAILER WIDTH(S): 0-96" <input checked="" type="checkbox"/> 97-102" <input type="checkbox"/> >102" <input type="checkbox"/>	TRAILER 1 <input checked="" type="checkbox"/> TRAILER 2 <input type="checkbox"/>
TRAILER LENGTH(S): 1 _____ ft TRAILER 2 _____ ft	TOTAL VEHICLE LENGTH _____ ft NO. OF AXLES _____
CRASH LOCATION: <input checked="" type="checkbox"/> CITY OF OR <input type="checkbox"/> NEAREST CITY	MILES N E S W OR ROCKFORD
CIRCLE ONE CITY NAME	
SELECT CODES FROM BACK COVER OF CRASH BOOKLET: VEHICLE CONFIGURATION _____ CARGO BODY TYPE _____ LOAD TYPE _____	

Narrative

I spoke with the second witness, Carrison advised Unit#1 was in the center lane and Unit#2 was in the right hand lane. Carrison advised Unit#1 turned into Unit#2.

Unit#1 advised he was driving west. Unit#1 advised he was straddling both lanes on E. State St. because he was going to take a slow right hand turn lane on to Trainer Rd. Unit #1 advised he did not know where he was going and viewed the turn on to Trainer Rd. with a short notice. Unit#1 advised he check his mirrors before turning and did not see any vehicles approaching. Unit#1 advised he just felt the tractor collided with Unit#2.

I spoke with Unit#2 [LAMPRIKH] who was transported to St. Anthony's Hospital by Rockford Fire. Unit# 2 advised she had been in the right hand lane. Unit#2 advised she was traveling at about 45 mph. Unit#2 said she was struck by Unit#1 on her driver side. Unit#2 advised she lost control of her vehicle as she went into the vacant lot.

Unit#2 advised she has lower back, shoulder and neck pain.

Unit#1 received a citation for improper lane usage

Exhibit C

Exhibit C

TX102P01 F4.00.01

TX2015
Ver. 6.0

05-102

(Rev. 9-13/32)

Tcode 13196

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

Taxpayer number

Report year

You have certain rights under Chapter 552 and 559,

Government Code, to review, request, and correct information

we have on file about you. Contact us at 1-800-252-1381.

17429685849

2015

Taxpayer name McLane Foodservice, Inc.		<input type="checkbox"/> Check box if the mailing address has changed.	
Mailing address P.O. Box 6115		Secretary of State (SOS) file number or Comptroller file number 0159355500	
City Temple	State TX	ZIP Code 76503	Plus 4 6115

☐ Check box if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office 4747 McLane Parkway	Temple	TX 76504
Principal place of business		

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.

Please sign below!



SECTION A Name, title and mailing address of each officer, director or manager.

Name See Attached Statement	Title	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address	City	State	ZIP Code
Name	Title	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address	City	State	ZIP Code
Name	Title	Director <input type="checkbox"/> YES	Term expiration m m d d y y
Mailing address	City	State	ZIP Code

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company McLane Company, Inc.	State of formation TX	Texas SOS file number, if any 0019995000	Percentage of ownership 100
Registered agent and registered office currently on file. (see instructions if you need to make changes)			
<input type="checkbox"/> Check box if you need forms to change the registered agent or registered office information.			
Agent: C T Corporation System	Office: 350 North St. Paul St.	City Dallas	State TX ZIP Code 75201

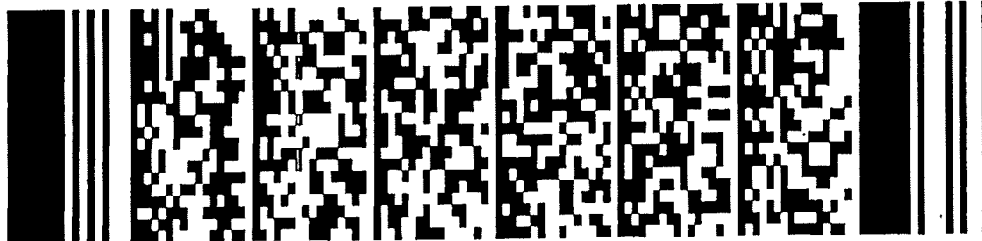
The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company

sign here	Kevin Koch	Title Treasurer	Date 11/06/2016	Area code and phone number (254) 771-7500
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Texas Comptroller Official Use Only

VE/DE	<input type="checkbox"/>	PIR IND	<input type="checkbox"/>
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1023

153233014288

McLane Foodservice, Inc.

Taxpayer Number: 17429685849

Texas Franchise Tax Public Information Report

Report Year: 2015

Attached Statement

Section A:

<u>NAME</u>	<u>TITLE</u>	<u>DIRECTOR</u>	<u>BUSINESS ADDRESS</u>
Tom Zatina	President	Yes	4747 McLane Parkway, Temple, TX 76504
James L. Kent	Senior Vice President	Yes	4747 McLane Parkway, Temple, TX 76504
Larry Parsons	Secretary	No	4747 McLane Parkway, Temple, TX 76504
Kevin J. Koch	Treasurer	No	4747 McLane Parkway, Temple, TX 76504
William G. Rosier	President	Yes	4747 McLane Parkway, Temple, TX 76504
Mark Zwerneman	Assistant Secretary	No	4747 McLane Parkway, Temple, TX 76504
Caroline R. Mann	Assistant Treasurer	No	4747 McLane Parkway, Temple, TX 76504

Exhibit D

Exhibit D

TX102P01 F4.00.01

TX2015
Ver. 6.0

05-102

(Rev.9-13/32)

Tcode 13196

Texas Franchise Tax Public Information Report

To be filed by Corporations, Limited Liability Companies (LLC) and Financial Institutions

This report MUST be signed and filed to satisfy franchise tax requirements

Taxpayer number

Report year

You have certain rights under Chapter 552 and 559,
Government Code, to review, request, and correct information
we have on file about you. Contact us at 1-800-252-1381.

32004425289

2015

Taxpayer name McLane Minnesota, Inc.		<input type="checkbox"/> Check box if the mailing address has changed.	
Mailing address P.O. Box 6115		Secretary of State (SOS) file number or Comptroller file number 0800061218	
City Temple	State TX	ZIP Code 76503	Plus 4 6115

☐ Check box if there are currently no changes from previous year; if no information is displayed, complete the applicable information in Sections A, B and C.

Principal office 4747 McLane Parkway	Temple TX 76504
Principal place of business 1111 West 5th St.	Northfield MN 55057

Officer, director and manager information is reported as of the date a Public Information Report is completed. The information is updated annually as part of the franchise tax report. There is no requirement or procedure for supplementing the information as officers, directors, or managers change throughout the year.

Please sign below!



SECTION A Name, title and mailing address of each officer, director or manager.

Name See Attached Statement	Title	Director <input type="checkbox"/> YES	Term expiration	m m d d y y
Mailing address	City	State	ZIP Code	
Name	Title	Director <input type="checkbox"/> YES	Term expiration	m m d d y y
Mailing address	City	State	ZIP Code	
Name	Title	Director <input type="checkbox"/> YES	Term expiration	m m d d y y
Mailing address	City	State	ZIP Code	

SECTION B Enter the information required for each corporation or LLC, if any, in which this entity owns an interest of 10 percent or more.

Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership
Name of owned (subsidiary) corporation or limited liability company	State of formation	Texas SOS file number, if any	Percentage of ownership

SECTION C Enter the information required for each corporation or LLC, if any, that owns an interest of 10 percent or more in this entity or limited liability company.

Name of owned (parent) corporation or limited liability company McLane Company, Inc.	State of formation TX	Texas SOS file number, if any 0019995000	Percentage of ownership 100
Registered agent and registered office currently on file. (see instructions if you need to make changes)		<input type="checkbox"/> Check box if you need forms to change the registered agent or registered office information.	
Agent: C T Corporation System	Office: 350 North St. Paul St.	City Dallas	State TX ZIP Code 75201

The above information is required by Section 171.203 of the Tax Code for each corporation or limited liability company that files a Texas Franchise Tax Report. Use additional sheets for Sections A, B, and C, if necessary. The information will be available for public inspection.

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the date below, and that a copy of this report has been mailed to each person named in this report who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.

sign here	Title Treasurer	Date 11/06/2016	Area code and phone number (254) 771-7500
-----------	--------------------	--------------------	--

Texas Comptroller Official Use Only

VE/DE	<input type="checkbox"/>	PIR IND	<input type="checkbox"/>
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1023

153233014278

McLane Minnesota, Inc.

Taxpayer Number: 32004425289

Texas Franchise Tax Public Information Report

Report Year: 2015

Attached Statement

Section A:

<u>NAME</u>	<u>TITLE</u>	<u>DIRECTOR</u>	<u>BUSINESS ADDRESS</u>
Mike Youngblood	President	Yes	4747 McLane Parkway, Temple, TX 76504
James L. Kent	Senior Vice President	Yes	4747 McLane Parkway, Temple, TX 76504
Larry Parsons	Secretary	No	4747 McLane Parkway, Temple, TX 76504
Kevin J. Koch	Treasurer	No	4747 McLane Parkway, Temple, TX 76504
William G. Rosier	President	Yes	4747 McLane Parkway, Temple, TX 76504
Mark Zwerneman	Assistant Secretary	No	4747 McLane Parkway, Temple, TX 76504
Caroline R. Mann	Assistant Treasurer	No	4747 McLane Parkway, Temple, TX 76504

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ***Notice of Removal*** was filed using the Court's *CM/ECF Electronic Filing System* with proper notice being sent electronically to all parties of record at their respective e-mail addresses:

Matthew P. Biesterfeld
LAW OFFICES ROBERT N. GOSHGARIAN, P.C.
220 West Washington Street
Waukegan, Illinois 60085
mpb@goshgarianlaw.com

on this 15th day of September, 2016.

_____/s/ James D. Ellman